

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 14, 2005

Regulation Package #0803-18

CDSS MANUAL LETTER NO. CCL-05-02

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 5, GROUP HOMES

Regulation Package #0803-18**Effective 6/8/05****Section 84063**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/GroupHomes_631.htm.

These regulations will give licensing staff the express authority to copy client or facility records, and to remove them if necessary for copying. The existing regulations do not consistently permit the copying of client or facility records, which has been a hindrance to the licensing program. For example, one licensee of a facility being investigated refused even to let licensing staff hand-copy portions of facility files because the regulations did not clearly state that licensing staff could copy those files.

These regulations will correct the situations described above. They delineate and amplify the licensing program's authority to inspect, audit, and copy client or facility records upon demand during normal business hours; and to remove them if necessary for copying. At the same time, the regulations contain safeguards that prohibit the removal of emergency or health-related information (unless other copies of those documents are available) and establish standards for the safe removal and timely return of records to facilities. They cut across facility categories and apply to all licensed adult and elderly community care facilities, children's residential community care facilities, and child day care facilities. These regulations will ensure that CDSS has reasonable access to information in order to be able to better evaluate facilities, investigate complaints, and protect the health and safety of clients in care.

These regulations were considered at the Department's public hearing held on June 16, 2004.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-01. The latest prior manual letter containing Group Home regulation changes was Manual Letter No. CCL-04-20.

Page(s)Replace(s) Page(s)

21.3 and 21.4

21.3 and 21.4

Attachments

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84061 REPORTING REQUIREMENTS
(Continued)**84061**

- (G) If law enforcement was involved in the incident, a detailed description of the incident.
- (H) Documentation that the child's authorized representative has been notified of the incident.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.1, 1522.41(b)(4), 1531, 1558.1, and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

84063 ACCOUNTABILITY**84063**

- (a) The board of directors shall be active in ensuring accountability: and shall perform, at a minimum, the following duties:
 - (1) Establish and approve policies and procedures governing the operation of the group home;
 - (2) Approve and monitor the corporation's operating budget;
 - (3) Assess and maintain the level of funds necessary to cover the costs of operating the group home;
 - (4) Review and approve the facility's emergency intervention plan as specified in Section 84322(k);
 - (5) Employ an administrator who meets the requirements of Section 84064;
 - (6) Complete a written statement describing the duties delegated to the administrator. Provide a copy of this statement to the administrator and maintain a copy in the facility's file;
 - (7) Require that the Chief Executive Officer, administrator, or a designee be present at all board of directors meetings during which the operation or the policies of the group home(s) are discussed;
 - (8) Conduct board of directors meetings at least on a quarterly basis to review and discuss the group home's operation and documents as specified in Health and Safety Code Section 1520.1(f), and based upon the review, ensure that the group home complies with all applicable regulations;

84063 ACCOUNTABILITY (Continued)

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HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1520.1(f) states in pertinent part:

...During these quarterly meetings, the board of directors shall review and discuss licensing reports, financial and program audit reports of its facility operations, special incident reports, and any administrative action against the licensee or its employees. The minutes shall reflect the board's discussion of these documents and the group home's operation. The licensee shall make available the minutes of group home board of directors meetings to the department.

HANDBOOK ENDS HERE

- (9) Ensure that minutes are kept for all board of directors meetings and retained as a permanent record. The minutes shall reflect the board's discussion of the documents specified in Health and Safety Code Section 1520.1(f);
- (10) Ensure that all minutes of board of directors' meetings are available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
- (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the administrator or designee.
- (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
- (11) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.
- (b) The licensee shall provide each board of directors member with the "Facts You Need To Know, Group Home Board of Directors" (PUB 326) booklet furnished by the Department.
- (c) The licensee shall require that each board of directors member sign and date the form, (LIC 9165) as specified in Section 84018(c). The signed original form shall be maintained in the corporation's principal California office.
- (1) The signed form shall be obtained from each board of directors member by the next scheduled board of directors meeting after July 1, 1999.
- (2) A signed form shall be obtained from a prospective board of directors member before joining the board of directors.